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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 United States of America,
10
11 Plaintiff,

No. CR-11-00126-14-PHX-JAT(LOA)

ORDER

11 v.

12 Danny Cruz Morones,
13 Defendant.

14 Pending before the Court is Petitioner Meagan McCraw's Request for Hearing
15 (Doc. 1101) to adjudicate the validity of her interest in property criminally forfeited to
16 the United States. The Court now rules on the petition.

17 On October 15, 2012, the Court entered a preliminary order of forfeiture which
18 authorized the United States to seize certain property owned by Danny Cruz Morones.
19 (Doc. 785). This property included a "HOWA, Model 1500, 308 caliber rifle" with serial
20 number B195035 and "Taurus, Model, The Judge, 45 caliber revolver" (collectively, the
21 "Property").¹ (Doc. 785-1 at 3).

22 Petitioner filed a Request for Hearing with this Court, seeking "a hearing to
23 adjudicate the validity of her interest in seized properties." (Doc. 1101 at 1). Petitioner's
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25 ¹ The list of forfeited property contains an entry for "Taurus, Model, The Judge,
26 45 caliber revolver" with serial number BT641750 and an entry for "Taurus, Model, The
27 Judge, 45/410 caliber pump action-rifle" with serial number CX958122. (Doc. 785-1 at
28 3). But Petitioner's petition asserts an interest in "Taurus, model The Judge, 45 caliber
revolver, serial no. CX958122" and the United States in its response labels this firearm as
"one Taurus, 'The Judge' Model 4150, .45 caliber revolver, serial number CX958122."
(Doc. 1129 at 2). Thus, it is unclear as to in which firearm Petitioner claims an interest.
Because the Court denies the petition on other grounds, however, this issue is immaterial.

1 document contains a request for a hearing, recites the Property in which she claims an
2 interest, and is signed. (*Id.*)

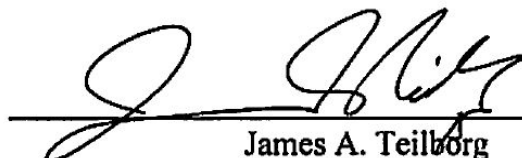
3 The United States aptly points out that Petitioner failed to sign her Request for
4 Hearing under penalty of perjury. (Doc. 1129 at 3). 21 U.S.C. § 853(n)(3) requires a
5 petition for a hearing to adjudicate the validity of interest in forfeited property to “be
6 signed by the petitioner under penalty of perjury.” Federal Rule of Criminal Procedure
7 32.2(c)(1)(A) permits the Court to “on motion, dismiss the petition for lack of standing,
8 for failure to state a claim, or for any other lawful reason.” Petitioner’s procedural defect
9 prevents her from having stated a valid claim for an adjudicatory hearing.

10 For the foregoing reasons,

11 **IT IS ORDERED** that Petitioner’s Request for Hearing (Doc. 1101) is dismissed
12 for failure to state a claim, and denied.

13 Dated this 25th day of April, 2014.

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James A. Teilborg
Senior United States District Judge